

Practitioner's Docket No. : WSO 37992

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper for Application No. 09/714,582 is being facsimile transmitted to the Patent and Trademark Office on the date shown below.



Signature

Oct. 15, 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 09/873,100 Confirmation No: 3104
Applicant : Ondrej Mikla et al.
Filed : June 1, 2001
Art Unit : 1761
Examiner : Nina Bhat

Docket No. : WSO 37992
Customer No.: 24131

**Assistant Commissioner for Patents
Alexandria, VA 22313-1450**

**TERMINAL DISCLAIMER TO OBVIATE
OBVIOUS-TYPE DOUBLE PATENTING REJECTION**

Identification of Person Making This Disclaimer

I, WERNER H. STEMER, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER

(Obviousness-Type Double Patenting Rejection Over a Pending Second Application)

(Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1 of 2)

Petitioners hereby disclaim, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of pending second Application No. 09/894,677, filed on June 28, 2001 as presently shortened by any terminal disclaimer.

Petitioners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimants do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent application forming the basis of the double patenting rejection, namely, Application No. 09/894,677 as presently shortened by any terminal disclaimer, in the event that it later:

- expires for failure to pay a maintenance fee
- is held unenforceable
- is found invalid by a court of competent jurisdiction
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321
- has all claims cancelled by a reexamination certificate
- is reissued, or
- is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

Other than a small entity - fee \$110.00

FEE PAYMENT

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Payment in the amount of \$110.00 is enclosed.

Please charge Account No. 12-1099 of Lerner and Greenberg, P.A. for any fee deficiency.



SIGNATURE OF PRACTITIONER

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(Terminal Disclaimer to Obviate a Double Patenting Rejection—page 2 of 2)